

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 249417

12

ORIGIN NEA-03

INFO OCT-01 SS-05 ISO-00 /009 R

66615

DRAFTED BY NEA/INS:RDLORTON:MMK

APPROVED BY NEA/INS:DKUX

----- 099271

R 132310Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

LIMITED OFFICIAL USE STATE 249417

LIMDIS

FOL REPEAT STATE 249417 SENT ACTION NEW DELHI

CALCUTTA NOV 12

QTE

LIMITED OFFICIAL USE STATE 249417

LIMDIS

E.O. 11652:N/A

TAGS: CASC, IN

SUBJECT:HARCOS/FLETCHER

REF: STATE 247152

1. IN TELEPHONING BOUDIN NOVEMBER 11, WE LEARNED HE WAS FULLY INFORMED THAT BHOSE HAD BEEN SEARCHED AT AIRPORT BY INDIAN OFFICIALS BEFORE DEPARTING FOR ENGLAND AND THAT DOCUMENTS HAD BEEN SEIZED FROM HIM. ACCORDING TO BOUDIN, BHOSE WAS QUITE UPSET AT TREATMENT HE HAD RECEIVED AND PLANNED TO SEEK DAMAGES UPON RETURNING TO INDIA, AS WELL AS DEMAND THAT THE DOCUMENTS BE RETURNED TO HIM. BOUDIN TOLD BHOSE THAT THE FOREGOING

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 249417

WAS NOT A STRONG ENOUGH APPROACH, SINCE HE SHOULD

IMMEDIATELY DEMAND THAT THE CASE AGAINST HARCOS/FLETCHER BE DISMISSED ON THE GROUNDS THAT THE DEFENSE OF THE AMERICANS HAD BEEN COMPROMISED BY THE ILLEGAL SEIZURE OF BHOSE'S DOCUMENTS. BOUDIN MENTIONED TO BHOSE A NUMBER OF SIMILAR CASES IN THE U.S. WHERE THIS HAD OCCURRED, INCLUDING HIS OWN DEFENSE IN THE ELSBERG CASE. BOUDIN ADDED THAT WHEN HE RETURNSTO NEW YORK IN THE NEXT FEW DAYS HE WAS GOING TO SEND THE DEPARTMENT, FOR THE INFORMATION OF THE EMBASSY AND CONGEN, A DETAILED, WRITTEN REPORT ON THIS POINT.

2. WHEN IT WAS SUGGESTED THAT BOUDIN MIGHT WISH TO CONTACT ATTORNEY DUDHEWALA IN AN EFFORT TO ASCERTAIN THE CLIMATE IN INDIA RE: BHOSE, BOUDIN INDICATED THAT BOTH HE AND BHOSE WERE OF THE OPINION THAT BHOSE WOULD NOT HAVE ANY PROBLEMS WITH THE AUTHORITIES UPON HIS RETURN HOME.

3. BOUDIN'S REFERENCE TO REPORT SUGGESTS HE MAY BE CONTEMPLATING PRESENTATION URGING DEPARTMENT INTERCEDE WITH GOI TO HAVE CHARGES DISMISSED. THEORY MIGHT BE THAT SEIZURE OF BHOSE'S DOCUMENTS PENETRATED PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS, PREVENTING POSSIBILITY OF FAIR TRIAL, AND CONSTITUTED DENIAL OF PROCEDURAL JUSTICE UNDER INTERNATIONAL LAW. WE INTEND CALL BOUDIN UPON HIS RETURN FROM BUSINESS TRIP NOVEMBER 13 AND STATE THAT WHILE HE MIGHT WISH TO MAKE THIS POINT TO INDIAN COURT THROUGH LOCAL COUNSEL, DEPARTMENT, CONSISTENT WITH NORMAL PRACTICE, NOT DISPOSED CONSIDER ANY CONTENTIONS REGARDING FAIRNESS OF TRIAL UNTIL CASE FULLY CONCLUDED. HOWEVER BOUDIN WELCOME TO SEND US INFO COPIES OF ANY MEMORANDA HE PREPARES.

4. AS GENERAL MATTER, WE PERCEIVE TWO USG INTERESTS AT THIS STAGE IN CASE:

-- WE WISH TO MONITOR PRE-TRIAL PROCEEDINGS CLOSELY TO ENSURE BOTH MEN ARE TREATED FAIRLY;

-- WE WISH TO AVOID BEING CAUGHT IN MIDST OF INTER-LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 249417

NATIONAL STRATEGY CONSULTATIONS AMONG DEFENSE COUNSEL.

5. BEST WAY TO ACCOMMODATE THESE INTERESTS IS TO CONTINUE TO FOLLOW DEVELOPMENTS CLOSELY WHILE URGING DEFENSE COUNSEL COMMUNICATE DIRECTLY AND MORE FREQUENTLY WITH ONE ANOTHER THROUGH PRIVATE CHANNELS. WE INTEND MAKE LATTER POINT TO BOUDIN IN OUR NEXT CONVERSATION WITH HIM. KISSINGER

UNQTE
KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 13 NOV 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE249417
Document Source: CORE
Document Unique ID: 00
Drafter: RDLORTON:MMK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740328-0252
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741147/aaaabnka.tel
Line Count: 118
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: LIMDIS
Reference: STATE 247152
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 27 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 JUN 2002 by boyleja>; APPROVED <17 MAR 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ARCOS/FLETCHER
TAGS: CASC, (HARCOS), (FLETCHER), (BHOSE)
To: LONDON
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005